

REMARKS

Claims 1-25 were pending.

Claims 1, 3, 13 and 22 are amended.

Claims 2, 4-8, 11 and 23-25 are cancelled.

Claims 1, 3, 9-10, 12-22 are pending.

Double Patenting Rejection

Claim 18 is rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 6 and 7 of US, 6,953,846 to Tzikas in view of Clement, US 7,029,502.

Claim 18 is cancelled. Thus this rejection is moot.

Claim Objections

Claim 1 has been amended to include the dye of claim 2. As claim 2 no longer limits claim 1, it has been cancelled.

Claims 3 and 22 are amended as suggested by the examiner to correct the typographical errors.

Claim 13 has been amended to include the dye of formula (6) from claim 2.

No new matter is added.

35 USC 103(a)

1. Claims 1, 3, 9, 12-17 and 19-20 are rejected under 35 USC 103(a) as being unpatentable over Tzikas WO2002/072707 in view of Clement, WO2002/059215.

2. Claims 2, 10-11 and 21-24 are rejected under 35 USC 103(a) as being unpatentable over Tzikas iWO2002/072707 in view of Clement, WO 2002/059215 as applied to claims 1,3, 9, 12-17 and 19-20 above and further in view of Christensen, WO2003/033584.

Tzikas teaches dye of present formula (1) in columns 3 and 4 identified as formula 10. Tzikas does not teach formula (2) but Clement does. See column 3, formula (3).

As to formula (6) this is disclosed in Christensen, WO2003/033584.

The applicants submit that Christensen, WO2003/033584 was published on April 24, 2003 with an international filing date of October 4, 2002.

The present Swiss priority document predates Christensen international filing date. The present priority document (Swiss 2002 1483/02) was filed on August 30, 2002.

Applicants enclose an accurate English translation of said Swiss priority document with a statement by A. Pietrini to that effect.

The Christensen application cannot be cited as prior art for subject matter that is supported by our Swiss priority document.

In regard to rejection #1 above:

Neither reference suggests or teaches the dye of formula (6) as now included in claim 1. Thus the rejection is overcome.

In regard to rejection #2 above:

Christensen is no longer available as prior art because the priority document predates Christensen's international filing date.

All the presently amended claims are supported by the priority document. An accurate English translation is now in the hands of the examiner.

Thus rejection #2 is overcome.

Reconsideration and withdrawal of the rejection of claims 1, 3, 9-10, 12-22 is respectfully solicited in light of the remarks and amendments *supra*.

Since there are no other grounds of objection or rejection, passage of this application to issue with claims 1, 3, 9-10, 12-22 is earnestly solicited.

Applicants submit that the present application is in condition for allowance. In the event that minor amendments will further prosecution, Applicants request that the examiner contact the undersigned representative.

Respectfully submitted,



Shiela A. Loggins
Agent for Applicants
Reg. No. 56,221

Ciba Specialty Chemicals Corporation
540 White Plains Road
Tarrytown, New York 10591
(914) 785-2768
SAL22738R1.doc

Enclosure: English translation of Swiss 2002 1483/02 with statement from A. Pietrini as to accuracy of translation.